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U.S. Patent and Trademark Office
Washington, D.C. 20231
C/O Anthony Stashick, Examiner

August 20, 2005

RE: Petition to revise application 10/046,164

Dear Office of Petitions,

Please except this letter as a petition to revise application No. 10/046,164 for unintentional reasons of a personal nature. Also find enclosed the response to the office action, and the fee to revise said application.

Be advised that all pertinent information such as address, telephone and etc. are the same in reference to this matter.

Thank you in advance for your cooperation, and I look forward to a speedy resolution in this matter.

Sincerely,
Gary W. Lampkins
Applicant

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REMARKS TO EXAMINER'S FINDINGS

1. Examiner rejects claim 1 as being anticipated by Lavielle 4,514,882 in which it states: " two members 1 and 2 are linked by a flexible linking member 3 integral with members 1 and 2," (column 2, lines 24-26). Further, Lavielle states that the two rectangular members 1 and 2 are made of a relatively rigid material such as an injection-molded plastics material (column 2, lines 20-23). The applicant contends that the rigid materials and design of Lavielle's embodiments, clearly illustrates an art limitation of flexibility, with an inability to adjustment to the thickness or lack thereof of the shoelace material, which ultimately, may not adequately secure said laces as the device is/was intended. However, the art and claim (s) of the pending application, clearly and specifically addresses the need of flexibility for the device to be purposeful. Consequently, the flexible wrapping retaining member of the applicant's art, addresses the flexibility limitation of prior art, while retarding the possibility of slippage of the laces. Moreover, this is accomplished with one member of the applicant's art as opposed to the five embodiment members of Lavielle.

2. Examiner also rejected claim 1 as being anticipated by Anderson 4,949,437 specifically the members being made of plastics. The applicant in the new

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claims attached hereto withdraws any specificity to material in the composition of its embodiments.

3. The examiner also rejected claim 1 as being anticipated by Blum 4,553,293 specifically the member being made of rubber. The applicant in the new claims attached hereto withdraws any specificity to material in the composition of its embodiments.

4. Examiner rejects claim 2 as being unpatentable by reference to all of the rejections of claim 1. However, the applicant's art discloses and exceeds the limitations of the prior art mentioned by the examiner, moreover applicant's subject matter pertaining to embodiments, design and their functions is novel and also exceeds said prior art for reasons previously heretofore made, and therefore, the new claim (s) should be allowed.

Submitted by,

Gary W. Lampkins
Applicant

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Listing of Claims:

Claims 1 and 2 (cancelled)

Claims 3 through 6 (New)

I claim:

1. A combination shoe and shoelace retaining device comprising of flexible wrapping members to hold the lace once the shoe is tied in place and retard slipping, with an additional part being a flexible loop extension designed to be inserted through a shoelace hole, with the entire device passing through the loop on the other side of the hole to semi attach the device to the upper of a shoe.
2. A combination shoe and shoelace retaining device as described in claim one, wherein each flexible wrapping member has a slot to allow self insertion and interlocking of the member around the shoelace once it is tied, with an additional part being a flexible extension, attaching and incorporating the device as a part of the shoe itself.

3. I claim:

A combination shoe and shoelace retaining device comprising of two substantially flexible wrapping interlocking retaining members, joined together by a flexible arm, with a flexible loop extension attached thereto, which allows the device to be attached to a shoe by the flexible loop extension being inserted through a shoelace hole and inserted through said flexible loop to form a noose around the upper of the shoelace hole and surrounding shoe material, thereby allowing the device to be semi attached to said shoe.

4. A combination shoe and shoelace retaining device as described in claim 1 wherein the device is made a permanent part of the shoe.

5. A shoelace retaining device comprising of two substantially flexible wrapping interlocking retaining members joined together by a flexible arm.

6. A shoelace retaining device comprising of a substantially flexible wrapping interlocking retaining member.